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DISCUSSIONS.

"THE RIGHTS OF ANIMALS."

IN his article under this title in the January number, Mr. Salt lays down his opinions without discussing what the word "right" means; he simply repeats the dogma, which he has asserted before, that "if man has rights, animals have the same—in kind." He admits that there is a difference between human and non-human animals in degree. What these categories of "degree" and "kind" may mean, and whether they are mutually exclusive, Mr. Salt omits to inquire. The difference between water at 20° F. and water at 40° F. is a difference in "degree;" but you can stand on the one and will sink in the other. So, though we may admit that the intelligence of a man differs only in degree from the intelligence of a guinea-pig, it does not follow that, if the former has rights, the latter has them also *in the same sense of the term*.

(1) "Rights," properly, is a legal term. Mr. Salt argues that, because the State protects some animals from cruelty or destruction, it has conferred legal rights upon them. This seems to me an inaccurate use of words. In my book on "Natural Rights" (p. 108) I wrote:—"Because a work of art or some ancient monument is protected by law from injury, do we speak of the 'rights' of pictures or stones?" Mr. Salt considers my logic at fault here; he says I have "overlooked the fact that pictures and stones are *not* protected by law—against the owners." Mr. Salt has not taken the trouble to understand my illustration. I spoke of the case where works of art *are* protected, *i. e.*, where they belong to the State or to some public body, and are therefore protected against injury from individuals. Unfortunately, works of art and ancient monuments are often in unintelligent or careless private ownership, responsible only to public opinion, and in such cases they are not legally protected against the neglect or stupidity of their owners. By punishing cruelty to animals which are private property, the State has so far interfered with absolute private ownership: the owner may kill his cat or his dog, but he may be punished for ill-treating it. He may not practice vivisection without a license, etc. Certain wild birds may not be killed at certain seasons, because the State has taken them under its charge. These are perhaps the closest parallel to State-owned pictures or monu-

ments, though the latter are more completely protected because individually more valued. Mr. Salt admits that the ill-used cab-horse cannot sue in a law court; nevertheless, he considers the horse a "person." Mr. Edward Carpenter, whom Mr. Salt calls "a great teacher," tells us "it is the same *human* creature that flies in the air and swims in the sea, or walks biped on the land." If all living things are "human" and "persons" what do the words mean? Is a sponge a "person," or is it several persons? And if we find a poor dog suffering from parasites, are we to respect these "persons"? There are some difficult questions of casuistry here.

(2) In the sense of "moral rights," *i. e.*, the sense in which a right is guaranteed by public opinion, it may seem more reasonable to talk of animals having "the right to be kindly treated" or "of our duty to the animals." I hold it to be much more accurate to speak of our having duties of kindness towards animals—these duties being duties owed to human society and enforced, more or less, by it. And Mr. Salt implicitly acknowledges the propriety of this distinction (though he scoffs at it) by calling himself a "Humanitarian," not an "Animalarian."

(3) In a metaphorical sense we may be said to acknowledge special rights, *i. e.*, special claims upon us, in domestic animals, and most of all in pets, to whom we give names and so a quasi-human, quasi-personal character. They are quasi-persons, because we have admitted them to a sort of membership of the family circle. All rights—legal, moral, or metaphorical—rest upon membership of a society.

But, it should be observed, that in the sense in which we may allow ourselves to talk of "duties to animals" and "rights" of animals to be well treated and painlessly killed when it is necessary, *in the same sense* (I admit differences of degree) we may speak of our duties to an ancient building, a beautiful landscape, an historic oak, a family heirloom—duties which are really and strictly owed to humanity, but which we may think of as owed to inanimate things, so far as interesting or pleasing to humanity. We may also speak of duties to logic and to accuracy of language, though Mr. Salt does not seem to care much about such duties. I feel more sense of "duty" to a beautiful plant than to the wretched parasites that are injuring it, more sense of duty to an old book than to the mice who are enjoying it; though the parasites and the mice are "persons" to Mr. Salt. In both cases my duty is really a duty to humanity. Mr. Salt, however, professes to look at matters

from the animal's point of view. He objects to animals being kept in captivity, however kindly treated. "To live one's own natural life, to realize one's self, is the true moral purpose of man and animal equally." If a tiger comes out of his cage, to live his own natural life and realize himself, Mr. Salt would be well-advised to keep out of his way. "Treat the animal as you would willingly be treated if you were such an animal," is a maxim quoted with approval by Mr. Salt. Is he ready to treat the tiger, as the tiger would wish to be treated—not to a vegetarian diet, but to a diet of vegetarians? But about the *jus animalium* I have said quite enough in my book on "Natural Rights"—more than was necessary in the opinion of some of my critics.

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A REPLY TO PROFESSOR RITCHIE.

THE readers of this JOURNAL are now in a position to judge clearly between the humanitarian and what I have ventured to call the "academic" opinion of the Rights of Animals. I decline to follow Professor Ritchie into a desultory discussion of the term "rights," and am content to take my stand on Herbert Spencer's definition.

I adhere to the position which I took up at the outset—that there is no difference *in kind* between man and the other animals, nor any warrant in science or ethics for drawing between them, as between "persons" and "things," an absolute line of demarcation. Compelled to admit that the difference is only one of degree, Professor Ritchie now seeks to evade the significance of this fact by arguing that it does not follow that, if men have rights, animals also have rights "in the same sense of the term." I maintain that it *does* so follow. If, by the recognition of rights, we mean that man, as a sentient and intelligent being, should be exempt from all avoidable suffering, it follows that other beings who are also sentient and intelligent, though in a lower degree, should have, in a lower degree, the same exemption. This principle, if pressed to its extreme logical conclusion, will of course lead (like all other principles) to what Professor Ritchie calls "difficult questions of casuistry," and will open a door for small jokes about the personality of parasites and sponges.

Professor Ritchie finds an analogy between the case of a State-owned and State-protected monument, or work of art, and that of